

14 APRIL 2005



Intelligence

OVERSIGHT OF INTELLIGENCE ACTIVITIES

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OPR: HQ USAF/XOIIR
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Supersedes AFI 14-104, 1 July 2000

Certified by: HQ USAF/XOI
(Maj Gen Ronald F. Sams)
Pages: 14
Distribution: F

This instruction gives the directive requirements for the conduct of United States (US) Air Force intelligence oversight activities. In this instruction, the use of the term intelligence refers to both intelligence and counterintelligence units, activities, etc. It describes mandatory, intelligence oversight-associated, training requirements for Air Force components conducting intelligence activities. It also details how to identify, investigate, and report procedures in the event of possible violations. This instruction implements Executive Order (EO) 12333 (part 2), *United States Intelligence Activities*; DOD Regulation 5240.1-R, *Procedures Governing the Activities of DOD Intelligence Components That Affect United States Persons*; and AFD 14-1, *Intelligence, Surveillance, and Reconnaissance (ISR) Planning, Resources, and Operations*. This instruction does not apply to criminal investigation activities. See Attachment One for a glossary of references, abbreviations, acronyms, and terms. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with AFMAN 37-123, *Management of Records* and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located at <https://webrims.amc.af.mil>.

Failure to observe the prohibitions specified in this Instruction by active duty Air Force members, AFRC members on active duty or inactive duty for training, and ANG members in federal service, is a violation of Article 92, Uniform Code of Military Justice. Failure to observe the same prohibitions and mandatory provisions by a civilian employee may result in administrative disciplinary action.

SUMMARY OF REVISIONS

This document is substantially revised and must be completely reviewed. This revision updates the threat backdrop to include non-state actors (paragraph 2.), specifies the applicability to commercial satellite imagery ground stations (paragraph 3.4.), reflects the realignment of the Air Intelligence Agency (AIA) from HQ USAF to Air Combat Command (ACC) (paragraph 4.5.), adds deploying personnel to training requirements (paragraph 5.3.), clarifies the relationship of intelligence oversight to force protec-

tion (paragraph 10.), and clarifies language concerning collection, retention, and dissemination of “publicly available” information on US persons (paragraph A2.3.2.).

1. Purpose. Intelligence oversight involves a balancing of two fundamental interests: obtaining the intelligence information required to protect national security and protecting individual rights guaranteed by the Constitution and the laws of the United States. The primary objective of the Intelligence Oversight Program is to ensure that units and staff organizations conducting intelligence activities do not infringe on or violate the rights of US persons. However, it is important to note that the program applies to all intelligence activities whether they deal with US person information or not. Commanders and judge advocates at all levels need to be cognizant of intelligence oversight policies and requirements.

2. Conduct of Intelligence Activities. Information concerning capabilities, intentions, and activities of foreign governments and non-state actors is essential in decision-making for national defense and foreign relations. The measures used to acquire such information must be responsive to the legitimate needs of the US Government, and must be conducted in a manner that abides by the legal and constitutional rights of US persons.

2.1. This instruction directs all Air Force personnel potentially working with data collected on US persons to be knowledgeable of, and adhere to, the restrictions and procedures in DOD 5240.1-R (see Index at Attachment Two, Training Primer).

2.2. This instruction neither authorizes any activity not previously authorized nor exempts anyone from any restrictions in DOD 5240.1-R.

3. Scope.

3.1. This instruction applies to all Air Force active duty, Air Force Reserve Command, and Air National Guard (when performing a federal function) intelligence units, staff organizations, and non-intelligence organizations that perform intelligence-related activities (e.g., Eagle Vision units) that could collect, analyze, process, retain, or disseminate information on US persons. It applies to all military and civilian personnel assigned or attached to those units on a permanent or temporary basis, regardless of specialty or job function. Also, it applies to contractors or consultants if they are involved in activities subject to the procedures in DOD 5240.1-R. For Air Force Reserve Command, this AFI applies to Air Reserve Technicians, Individual Mobilization Augmentees, and other Air Force Reserve Command members assigned to intelligence units and staffs. For the Air National Guard (ANG), it applies to all ANG members in a Title 10 or Title 32 status assigned or attached to intelligence units or staffs or performing intelligence-related activities.

3.2. This instruction also applies to non-intelligence units and staffs (e.g. ANG Eagle Vision) when they are assigned an intelligence mission and to personnel doing intelligence work as an additional duty, even if those people are not assigned or attached to an intelligence unit or staff. The major command (MAJCOM), field operating agency (FOA), or ANG Senior Intelligence Officer determines applicability.

3.3. This instruction applies to Air Force units and staffs that conduct information warfare activities and are components of intelligence organizations. For example, the Air Force Information Warfare Center (AFIWC), which conducts information warfare activities, is a component of the AIA. As such,

this instruction applies to the AFIWC. It also applies to all intelligence personnel described in paragraph 3.1. above that support information warfare activities with products or services.

3.4. This instruction applies to non-intelligence units or staffs, such as Eagle Vision, running systems that acquire and disseminate commercial satellite imagery to intelligence units and staffs.

3.5. This instruction does not apply to criminal investigations conducted by the Air Force Office of Special Investigations (AFOSI). See AFI 71-101, *Criminal Investigations*.

4. Responsibilities.

4.1. **Secretary of the Air Force, Inspector General (SAF/IG).** Chairs and is a voting member of the Air Force Intelligence Oversight Panel and provides quarterly reports to the Assistant to the Secretary of Defense, Intelligence Oversight (ATSD(IO)). Has access to all material necessary to perform assigned intelligence oversight responsibilities.

4.2. **Secretary of the Air Force, General Counsel (SAF/GC).** Legal counsel for all Air Force intelligence oversight issues. Provides advice to intelligence components on questions of legality or propriety, as required. Voting member of the Intelligence Oversight Panel. Has access to all material necessary to perform legal and intelligence oversight responsibilities.

4.3. **Director of Intelligence, Surveillance, and Reconnaissance (AF/XOI).** Develops policy to ensure the proper supervision and control of Air Force intelligence activities. Coordinates with the ATSD(IO), the Air Force Inspector General, and the Air Force General Counsel on intelligence oversight matters. Voting member of the Intelligence Oversight Panel. Shall perform annual self-inspection if necessary per para 6.3. below. Ensures all units directly supporting Air Staff (XOI) comply with both the provisions of this instruction and those contained in all appropriate intelligence discipline-specific instructions.

4.4. **MAJCOMs, Air National Guard, and those FOAs and Direct Reporting Units (DRU) that Perform Intelligence Activities as Defined in Paragraph 3.** Establish and maintain intelligence oversight programs to effect intelligence oversight and ensure all personnel assigned or attached to their intelligence components receive training according to paragraph 5. Through their inspector general function, accomplish intelligence oversight inspections required by AFI 90-201. Through their functional staffs, accomplish Staff Assistance Visits (SAV) as determined appropriate by the MAJCOM, DRU, or FOA commander. Note that intelligence oversight inspections of ANG intelligence units and staffs will normally be conducted by the gaining command. However, they may also be inspected by the National Guard Bureau Inspector General when gaining command inspection resources are not sufficient or available.

4.5. **ACC.** Ensure appropriate AIA units comply with both the provisions of this instruction and those contained in all appropriate intelligence discipline-specific instructions.

4.6. **AFOSI.** Ensure appropriate AFOSI units comply with both the provisions of this instruction and those contained in all appropriate counterintelligence discipline-specific instructions.

4.7. **Commanders.** Designate primary and alternate intelligence oversight monitors and ensure training programs as specified in paragraph 5. and Attachment Two are conducted.

5. Training.

5.1. **Initial Training.** Technical training centers will provide initial intelligence oversight training to all Air Force intelligence personnel as part of their technical training. Intelligence oversight monitors will provide intelligence oversight training to all personnel performing duties defined in paragraphs 3., 3.1., and 3.2. as part of their unit indoctrination. Training will cover, at a minimum, the matters set out in Attachment Two, Training Primer.

5.2. **Annual Refresher Training.** Intelligence oversight monitors will provide annual refresher training to all Air Force personnel who are assigned or attached to Air Force intelligence components. This training will cover, at a minimum, the matters set out in Attachment Two, Training Primer. Units will keep records of personnel training. The ATSD(IO) web sites (NIPRNET: www.dod.mil/atsdio; SIPRNET: www.atsdio.ismc.sgov.gov/atsdio; or JWICS: www.atsdio.ismc.ic.gov/atsdio) are highly recommended as a source of training materials, to include a computer-based training program (on the SIPRNET and JWICS sites and available on CD), as well as the basic references governing intelligence oversight listed in para A3.1.4. (See Attachment Two for a primer on intelligence oversight training.)

5.3. **Pre-Deployment Training.** Intelligence oversight monitors will provide refresher training to personnel deploying to another duty location IAW para 5.2. above.

6. Compliance Inspection Guidance. Inspectors, SAV team members, and units will follow the guidance in Attachment Three of this AFI. They will assess the intelligence unit's and staff's compliance with the rules and procedures pertaining to collecting, retaining, and disseminating intelligence on US persons and the adequacy of intelligence oversight programs.

6.1. MAJCOM, FOA, and DRU inspectors general shall use Attachment Three when accomplishing the compliance inspection item inspections required by AFI 90-201, Attachment Six.

6.2. Functional representatives shall use Attachment Three when accomplishing compliance-oriented SAVs.

6.3. Intelligence unit commanders or chiefs of intelligence staffs who have not been evaluated in the current calendar year by ATSD(IO), MAJCOM, FOA, or DRU inspectors general, or functional staffs accomplishing compliance-oriented SAVs, shall perform a self-inspection, using the checklist in Attachment Three in the final quarter of each calendar year. The results shall be forwarded to MAJCOM, FOA, or DRU inspector general. The MAJCOM, FOA, and DRU inspectors general shall consolidate the results and provide a report to SAF/IGI no later than 5 Jan of the next calendar year. Results of ANG inspections will also be provided to the National Guard Bureau Inspector General.

7. Inquiries and Reporting.

7.1. **Reporting Questionable Activities.** Air Force agencies, units, and personnel must report activities that may violate the law; any executive order or Presidential directive, including EO 12333; or applicable DOD policy, including DOD 5240.1-R; and this AFI and other Air Force policy documents and instructions.

7.1.1. Air Force agencies, units, and personnel must report questionable activities to the Air Force General Counsel, the Air Force Inspector General, the DOD General Counsel or ATSD(IO). Use of the supervisory chain or chain of command is encouraged to facilitate such reports where feasible. Such reports will be expeditiously provided to the inspector general at the first level at which

an inspector general is assigned and not associated with the questionable activity, with copies to the staff judge advocate and, unless the inspector general determines such reporting would not be appropriate, to senior intelligence officers at the same level. This report must be made regardless of whether a criminal or other investigation has been initiated.

7.1.2. MAJCOMs/FOAs/DRUs will report to SAF/IG, providing information copies of report to SAF/GC and AF/XOI.

7.1.3. SAF/IG and SAF/GC will report immediately to DOD General Counsel and the ATSD(IO) questionable activities of a serious nature. Any such reports, and the quarterly reports described in paragraph 7.3. below, are exempt from Report Control Symbol (RCS) licensing procedures according to AFI 33-324, *The Information Collections and Reports Management Program; Controlling Internal, Public, and Interagency Air Force Information Collections*.

7.2. **Inquiries.** Air Force agencies and units will inquire into any questionable activity reported under paragraph 7.1., to the extent necessary to determine whether the reported activity violates law, executive order, Presidential directive, DOD directive or policy, or Air Force instruction or policy. Conduct all inquiries as quickly as possible and forward the results through command channels to SAF/IG. Officials responsible for inquiries may obtain additional assistance from within the component concerned or from other DOD components, when necessary, to complete inquiries in a timely manner. SAF/IG and SAF/GC must have all information necessary to evaluate questionable activity for compliance with law or policy, regardless of classification or compartmentation.

7.3. **Submitting Quarterly Reports.** Each MAJCOM, FOA, or DRU Inspector General responsible for an Air Force organization or staff subject to this instruction must submit quarterly inputs to SAF/IGI. Inputs are due at SAF/IGI five calendar days after the end of each quarter. SAF/IGI will consolidate all inputs into a quarterly report to ATSD(IO), which will be signed by SAF/IG, SAF/GC, and AF/XOI. Inputs must include:

7.3.1. Any questionable activities (not confined to reporting on US persons-associated violations) identified during the quarter and reference to any report previously made concerning them (see paragraph 7.1.).

7.3.2. Actions taken regarding such activities.

7.3.3. Significant oversight activities; e.g., intelligence oversight evaluations or inspections (provide results, unit, and location). Include results of inspections conducted by any outside agency such as ATSD(IO) (include unit and location), and planned next-quarter intelligence oversight inspections (provide unit and location). An explanation is required for any rating reported that is other than fully compliant. Suggestions to improve the intelligence oversight program are also encouraged.

7.3.4. On the report for the last quarter of each calendar year, the status of self-inspections conducted IAW paragraph 6. above.

7.3.5. The MAJCOM, FOA, or DRU report for the last quarter of each calendar year shall include a list of the units and staffs for which the MAJCOM, FOA, or DRU has intelligence oversight and inspection requirements (specifying MAJCOM, parent organization, unit designation, and location).

8. Air Force Intelligence Oversight Panel. The Panel consists of SAF/IG (chair), SAF/GC, and AF/XOI. Its functions are to review the legality and propriety of Air Force intelligence activities, review the adequacy of guidance for Air Force intelligence unit and staff intelligence oversight programs, and review the state of intelligence oversight activities, taking or recommending necessary actions, as appropriate.

9. Domestic Imagery. Air Force intelligence components may, at times, need domestic imagery, either newly collected or previously archived, to perform their mission. Domestic imagery is defined as satellite and airborne imagery of any part of the United States, its territories, or possessions to a 12 nautical mile seaward limit of these land areas. Domestic imagery can be acquired from US government or commercial sources.

9.1. Air Force intelligence components should submit requirements for US government domestic imagery through their chain of command to MAJCOM, DRU, or FOA headquarters which, in turn, will address the requirements IAW National Geospatial-Intelligence Agency policy directives (available on INTELINK and INTELINK-S).

9.2. Air Force intelligence components can obtain domestic commercial imagery without higher level approval for valid mission purposes such as training or testing on federally owned and operated ranges, calibration-associated systems development activities, and domestic disaster relief operations. However, an internal memorandum for the record describing the purpose of the domestic collection should be retained on file. If in obtaining the imagery, a US person (e.g., private property) is targeted, then the rules and procedures, including approval chain, contained in DOD 5240-1.R must be followed.

10. Force Protection.

10.1. As a general rule, force protection within the United States is a law enforcement responsibility. Air Force Intelligence components must focus on threats to DOD personnel, installations and activities posed by foreign intelligence or international terrorist entities, or those domestic groups specifically identified by the DOD Director of Counterintelligence as posing a threat to DOD. If during the course of routine activities and authorized missions, Air Force intelligence components receive information identifying US persons alleged to threaten DOD personnel, installations or activities, that information must be passed to the threatened DOD organization and the entity that has responsibility for countering the threat (e.g., Threat Working Group, Security Forces Squadron, Air Force Office of Special Investigations Detachment, Explosive Ordnance Disposal Unit, etc.). Air Force intelligence assets assigned a mission to support force protection and that are part of the entity that has responsibility for countering the threat, may fuse law enforcement, counterintelligence, and intelligence.

10.2. Information on US persons, which is collected by intelligence components that have been assigned a force protection mission, must be kept compartmented from other intelligence (i.e., such US person information must not be accessible by individuals without a need to know).

11. Collection and Retention.

11.1. Information about US persons may be retained temporarily, for a period not to exceed 90 days, solely for the purpose of determining whether that information may be permanently retained under the provisions of Procedure 3, DOD 5240.1-R. Ordinarily this determination will actually be a determination as to whether the information can be properly collected under Procedure 2 of that regulation. Information that is received is not "collected" under the terms of DOD 5240.1-R until an affirmative

determination has been made that retention of the information is permissible under the criteria established in Procedure 2. If the acquiring unit is uncertain as to whether the US person information may be permanently retained, it may seek advice through the chain of command. Each level of command must have an intelligence oversight officer designated to provide and assistance in rendering collectability determinations. When appropriate, assistance may be requested from HQ USAF/XOI. In no event may such a determination take longer than a total of 90 days. Even though information may not be collectible, it may be referred to another DOD entity or government agency to whose function it pertains.

11.2. US person information that is properly collected and retained will be reviewed periodically to ensure that continued retention serves the purpose for which it was collected and stored and that it remains necessary to the conduct of authorized functions of the Air Force intelligence component concerned.

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Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

Executive Order No. 12333, *United States Intelligence Activities*, 4 December 1981

DOD Directive 5148.11, *Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO))*, 21 May 2004

DOD Directive 5240.1, *DOD Intelligence Activities*, 25 April 1988

DOD 5240.1-R, *Procedures Governing the Activities of DOD Intelligence Components That Affect United States Persons*, December 1982

AFPD 14-1, *Intelligence, Surveillance, and Reconnaissance (ISR) Planning, Resources, and Operations*, 2 April 2004

AFI 14-119, *Intelligence Support to Force Protection*, 5 June 2004

AFI 33-324, *The Information Collections and Reports Management Program: Controlling Internal, Public, and Interagency Air Force Information Collections*, 1 June 2000

AFMAN 37-123, *Management of Records*, 31 August 1994

AFI 71-101, Volume 1, *Criminal Investigations*, 1 December 1999

AFI 90-201, *Inspector General Activities*, 22 November 2004

National Geospatial-Intelligence Agency Imagery Policy Series, Section 6, *National Airborne Imagery Policy*, August 2003, and Section 9. Part B, *Domestic Imagery*, March 2002

Abbreviations and Acronyms

ACC—Air Combat Command

AFIWC—Air Force Information Warfare Center

AFOSI—Air Force Office of Special Investigations

AIA—Air Intelligence Agency

ANG—Air National Guard

ATSD(IO)—Assistant to the Secretary of Defense for Intelligence Oversight

DOD—Department of Defense

DRU—direct reporting unit

EO—executive order

FOA—field operating agency

ISR—intelligence, surveillance, and reconnaissance

MAJCOM—major command

NGA—National Geospatial-Intelligence Agency

Terms

Air Force Intelligence Component—All personnel and activities of the organization of the HQ USAF Director, Intelligence, Surveillance, and Reconnaissance, counterintelligence units of the Air Force Office of Special Investigations, Air Force Intelligence Analysis Agency, and other organizations, staffs, and offices when used for foreign intelligence or counterintelligence activities to which EO 12333 (part 2) applies.

Intelligence Activities—Refers to all activities that DOD intelligence components are authorized to undertake pursuant to Executive Order 12333. Note that EO 12333 assigns the Services' intelligence components responsibility for: 1, "Collection, production, dissemination of military and military related foreign intelligence and counterintelligence, and information on the foreign aspects of narcotics production and trafficking;" and 2, "Monitoring of the development, procurement and management of tactical intelligence systems and equipment and conducting related research, development, and test and evaluation activities."

A United States Person—A US citizen, an alien known by the DOD intelligence component concerned to be a permanent resident alien, an unincorporated association substantially composed of US citizens or permanent resident aliens, or a corporation incorporated in the United States unless it is directed and controlled by a foreign government or governments.

Non-United States Person—A corporation or corporate subsidiary incorporated abroad, even if partially or wholly owned by a corporation incorporated in the United States, is not a United States person. A person or organization outside the United States is presumed not to be a US person unless specific information to the contrary is obtained. An alien in the United States is presumed not to be a US person unless specific information to the contrary is obtained.

Attachment 2

TRAINING PROGRAM PRIMER

A2.1. Introduction. The material below is provided as a core curriculum for an intelligence unit or staff intelligence oversight program. It is intended to provide a common sense perspective on this important but often seemingly complex subject.

A2.2. Background. Intelligence Oversight has become a commonly understood term referring to a group of laws, directives, and associated institutional bodies designed to ensure that US intelligence activities are conducted legally, properly and do not infringe on the rights of US persons. For the Air Force, there are two primary governing directives: DOD 5240.1-R, *Procedures Governing the Activities of DOD Intelligence Components That Affect US Persons*, and AFI 14-104, *Oversight of Intelligence Activities*.

A2.3. Tenets. Air Force intelligence personnel should understand the following central tenets of the Air Force intelligence oversight program:

A2.3.1. **Scope.** The Air Force intelligence oversight program pertains to all personnel assigned or attached to intelligence units or staffs that could collect, analyze, process, retain, or disseminate information on US persons. These include active, reserve, guard, civilian, TDY and contractor personnel. See Terms in Attachment One, basic AFI for definition of US person. Further, the program pertains to any person when tasked to perform an intelligence mission regardless of their unit of assignment.

A2.3.2. **Permissible Activities.** Air Force intelligence units and staffs can collect, retain, and disseminate intelligence on US persons provided they adhere to a very specific set of criteria and restrictions. Information that identifies a US person may be collected, retained, and disseminated only if it is necessary to the conduct of a function or mission assigned the collecting component and only if it falls within one of the thirteen categories listed under DOD 5240.1-R, Procedure 2. In the U.S., it is not generally within the mission of military intelligence units to collect information on US persons (this would normally be assigned to counterintelligence units). As such, although some information on US persons may be "publicly available" (one of the 13 categories referred to above), this does not obviate the unit mission/function requirements.

A2.3.3. **Collection Techniques.** There are very specific procedures and restrictions governing collecting intelligence on US persons by methods such as electronic surveillance or physical search or participation in activities of private organizations. (DOD 5240.1-R, Procedures 5-11)

A2.3.4. **Law Enforcement Assistance.** There are very specific procedures and restrictions on providing intelligence support to law enforcement agencies. (DOD 5240.1-R, Procedure 12)

A2.3.5. **Questionable Activities.** Intelligence oversight is much broader than just collecting, retaining and disseminating intelligence on US persons. Unit members or staff personnel are required to report "questionable activities," defined "as any conduct that constitutes, or is related to, an intelligence activity that may violate the law, any executive order or Presidential directive, including E.O. 12333, *United States Intelligence Activities*, or applicable DOD policy, including DOD 5240.1-R, *Procedures Governing the Activities of DOD Intelligence Components That Affect United States Persons*."

A2.3.6. **Reporting.** Personnel assigned to intelligence units or staffs must report any possible intelligence oversight-associated violations or irregularities to the unit JAG or Intelligence Oversight

Officer, the Air Force General Counsel, the Air Force Inspector General, the DOD General Counsel or ATSD(IO). Use of the supervisory chain or chain of command is encouraged to facilitate such reports where feasible. Such reports will be expeditiously provided to the inspector general at the first level at which an inspector general is assigned and not associated with the questionable activity, with copies to the staff judge advocate and, unless the inspector general determines such reporting would not be appropriate, senior intelligence officers at the same level. (DOD 5240.1-R, Procedure 15; AFI above, paragraph 7.2.)

A2.3.7. **The Internet.** While much of the information posted on the Internet is publicly available, an intelligence professional acting in an official capacity still must have the official mission before collecting, retaining, or disseminating even publicly available information about US persons. Certain internet-based activities are restricted by the rules requiring disclosure of an individual's intelligence organization affiliation. This also applies to information found on SIPRNET and JWICS. (DOD 5240.1-R, Procedure 10 and 11)

A2.4. Reminder. Even though most intelligence personnel are not "collectors," most do retain and disseminate intelligence. Some personnel, such as those working with domestic imagery collection or information warfare programs may need a more in-depth understanding of select aspects of intelligence oversight rules and procedures. All are encouraged to periodically check the web site maintained by the Assistant to the SECDEF, Intelligence Oversight (NIPRNET: www.dod.mil/atsdio; SIPRNET: www.atsdio.ismc.sgov.gov/atsdio; or JWICS: www.atsdio.ismc.ic.gov/atsdio) for soft copies of the basic intelligence oversight references, additional training aids/software, a list of frequently asked questions/intelligence oversight examples, and other useful information. Other techniques that can be used to raise awareness are poster campaigns/visual aids and messages posted in newsletters or on bulletin boards.

A2.5. Index - DOD 5240.1-R, Procedures Governing the Activities of DOD Intelligence that Affect United States Persons

A2.5.1. Procedure 1- General Provisions

A2.5.2. **Procedure 2 - Collection Of Information About U.S. Persons.** Note - information that identifies a U.S. person may be collected only if it is necessary to the conduct of a function assigned to the collection component, and only if it falls within one of the categories listed in DOD 5240.1-R, Procedure 2.

A2.5.3. Procedure 3 - Retention Of Information About U.S. Persons

A2.5.4. Procedure 4 - Dissemination Of Information About U.S. Persons

A2.5.5. **Procedure 5 - Electronic Surveillance.** Note-this procedure also applies to signals intelligence activities. See the classified annex to EO 12333 and USSID 18 for more information.

A2.5.6. Procedure 6 - Concealed Monitoring

A2.5.7. Procedure 7 - Physical Searches

A2.5.8. Procedure 8 - Searches And Examination Of Mail

A2.5.9. Procedure 9 - Physical Surveillance

A2.5.10. Procedure 10 - Undisclosed Participation In Organizations

A2.5.11. Procedure 11 - Contracting For Goods And Services Without Revealing The Sponsorship By The Intelligence Component

A2.5.12. Procedure 12 - Provision Of Assistance To Law Enforcement Authorities

A2.5.13. Procedure 13 - Experimentation On Human Subjects For Intelligence Purposes

NOTE: Procedures 5 - 13 contain detailed rules, prohibitions, and approval processes for specialized collection methods and techniques. The majority of Air Force intelligence units and staffs will never be required or authorized to conduct the activities described in these procedures, all of which require approval by specific higher level officials. Judge Advocate General or General Counsel authorities should be consulted on any matter pertaining to procedures 5 - 13.

A2.5.14. Procedure 14 - Employee Conduct

A2.5.15. Procedure 15 - Identifying, Investigating, And Reporting Questionable Activities

NOTES:

1. see discussion of "reporting " above, and in "questionable activities" and "reporting" provisions in basic AFI, paragraphs **7.1.** and **7.2.** above.
2. Air Force intelligence units and staffs should consider using the ATSD(IO)-produced, web-based intelligence oversight training program as part of their unit or staff intelligence oversight program.
3. **Attachment 3** to this instruction includes detailed information about individual knowledge of intelligence oversight necessary to pass an intelligence oversight inspection. Use of it as an additional training aid is recommended.

Attachment 3

INSPECTION GUIDANCE

Inspectors, staff assistance visit (SAV) team members, and units should follow this checklist when assessing the adequacy of intelligence oversight programs. Failure of a critical item requires an "Unsatisfactory" rating for the unit intelligence oversight program.

A3.1. Administrative.

A3.1.1. Ensure the primary and alternate intelligence oversight monitors are appointed in writing.

(Note: this is a non-critical item. If a unit is not compliant, provide a 10-day answerable action item to the unit to update their paperwork)

A3.1.2. Ensure initial and annual training is accomplished and those records of training accomplished are available and current.

(Note: This is a **critical item**. Failure occurs if more than 25% of the unit personnel are not current on their training)

A3.1.3. Ensure initial and annual training lesson plans cover the minimum objectives outlined in Attachment Two.

(Note: This is a non-critical item. If a unit is not compliant, the training lesson plan must be updated within 30 days of the inspection)

A3.1.4. Ensure copies of DOD 5240.1-R, DOD 5148.11, and this instruction are available to the unit in hard or electronic copy.

(Note: this is a non-critical item. If a unit is not compliant, provide a 10-day action item to the unit to correct the deficiency)

A3.2. Functional.

A3.2.1. Determine if unit members and staff personnel are aware of the applicability of intelligence oversight limitations to them.

(Note: This item is a **critical item**. A minimum of 75 % of individuals must be aware of the meaning and limitations for this item to be satisfactory).

A3.2.2. Determine if unit members and staff personnel are aware of the circumstances under which intelligence can be collected, retained, and disseminated on US persons (e.g., information obtained with consent).

(Note: This is a **critical item**. A minimum of 75% of individuals must be aware that DOD 5240.1-R describes the circumstances under which information on US persons may be collected for this item to be satisfactory. See Attachment Two, Training Primer and DOD 5240.1-R, Procedure 2 for more details.)

A3.2.3. Determine if unit members and staff personnel are aware that there are specific procedures and restrictions governing the collection of intelligence on US persons by methods such as electronic surveillance or physical surveillance

(Note: This is a **critical item**. A minimum of 75 % of individuals must be aware of the existence of such limitations and sources of information concerning them for this item to be satisfactory. See Attachment Two, Training Primer, Procedures 5-11 for more details.)

A3.2.4. Determine if unit members and staff personnel are aware that there are specific procedures and restrictions on providing intelligence support to law enforcement agencies.

(Note: This is a **critical item**. A minimum of 75 % of individuals must be aware of the existence of such limitations for this item to be satisfactory. See Attachment Two, Training Primer, Procedure 12 for more details.)

A3.2.5. Determine if unit members and staff personnel are aware that they are required to report "questionable activities" conducted by intelligence components that constitute possible violations of law, directive, or policy. Also determine if personnel are aware that using the chain of command for reporting "questionable activities" is encouraged where feasible.

(Note: This is a **critical item**. A minimum of 75 % of individuals must be aware of the requirement to report "questionable activities" and also be aware that using the chain of command is the preferable reporting mechanism for this item to be satisfactory. See Attachment Two, Training Primer, paragraph A.2.3.6 and Procedure 15 for more details.)

A3.2.6. Determine if unit members and staff personnel understand that "US Person" pertains to associations, corporations, and resident aliens as well as US citizens.

(Note: This is a **critical item**. A minimum of 75 % of individuals must be aware of the meaning and limitations for this item to be satisfactory. See Attachment One, section A1C, Terms for more details.)

A3.2.7. Determine if unit member and staff personnel are aware of AFI 14-104 and DOD 5240.1-R as key intelligence oversight authorities.

(Note: This is a non-critical item. Individuals who are not aware will receive remedial training.)